	Application No.	Applicant(s)	2
	10/040,469	LAYZELL ET AL.	
Notice of Allowability	Examiner	Art Unit	
	Jeffrey L. Gellner	3643	
The MAILING DATE of this communication appeal claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap or other appropriate communication IGHTS. This application is subject t	plication. If not include will be mailed in due	ed course. THIS
1. This communication is responsive to <u>amendment received 30 July 2004</u> .			
2. The allowed claim(s) is/are <u>1-5, 7-21, 24-29</u> .			
3. The drawings filed on 22 May 2003 are accepted by the Examiner.			
 4. Acknowledgment is made of a claim for foreign priority ur a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	e been received. e been received in Application No		ition from the
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the re-	quirements
5. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give			IOTICE OF
6. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.		
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached			
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date			
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t			e back) of
7. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT			Note the
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	 5. ☐ Notice of Informal F 6. ☐ Interview Summary 	.,	O-152)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/0	Paper No./Mail Da 08), 7. 🗌 Examiner's Amend	te ment/Comment	
Paper No./Mail Date4. Examiner's Comment Regarding Requirement for Deposit	8. X Examiner's Stateme	ent of Reasons for Alle	owance
of Biological Material	9. Other		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

DETAILED ACTION

The following is an examiner's statement of reasons for allowance:

The prior art did not disclose or suggest a method of enhancing plant growth or yield comprising treating soil with H₂ gas at a concentration at least 50 times greater than the concentration of H₂ in air and for a duration sufficient to increase H₂ uptake of the soil; wherein the treatment of H₂ gas enhances the ability of soil microorganisms to oxidize H₂ and wherein the enhanced ability of the soil microorganisms potentiates enhanced growth or yield of a plant growing in the soil after treatment with H₂ gas.

The phrase "for a duration sufficient to increase H₂ uptake of the soil" is considered to mean at least one week because of Applicant's statement at page 7 lines 13-15 of the Amendment received 30 July 2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053. The

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Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The official fax telephone number for the Technology Center where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

Jeffrey L. Gellner Primary Examiner